

# **EXHIBIT D**

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*Interim Lead Counsel for the  
Indirect Purchaser Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT) ) Master File No. CV-07-5944 SC  
ANTITRUST LITIGATION )

) MDL No. 1917  
)  
)

This Document Relates To:

ALL INDIRECT PURCHASER ACTIONS ) INDIRECT PURCHASER PLAINTIFFS'  
) RESPONSES AND OBJECTIONS TO  
) DEFENDANT SAMSUNG SDI AMERICA,  
) INC'S FIRST SET OF  
) INTERROGATORIES TO THE INDIRECT  
) PURCHASER PLAINTIFFS

PROPOUNDING PARTY: SAMSUNG SDI AMERICA, INC.

RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung SDI America, Inc.'s ("Defendant") First Set of Interrogatories ("Interrogatories") to the Indirect Purchaser Plaintiffs as follows:

GENERAL OBJECTIONS

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered  
2 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present  
3 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or  
4 modify any and all of their objections and responses if they become aware of information and/or  
5 documents which warrant such action.

6       2. Plaintiffs object to each of Defendant's Interrogatories, Definitions and  
7 Instructions to the extent it seeks documents or information (i) not relevant to the subject matter  
8 of this action; (ii) not relevant to any claim or defense in this action; (iii) not reasonably  
9 calculated to lead to the discovery of admissible evidence; (iv) different from, inconsistent with,  
10 or in addition to what is required to be produced under the Federal Rules of Civil Procedure, the  
11 Civil Local Rules of the United States District Court for the Northern District of California, any  
12 existing Court Order in this case, or any other applicable rule or law.

13       3. Plaintiffs object to the Interrogatories to the extent that they are vague, ambiguous  
14 and require speculation to determine their meanings.

15       4. Plaintiffs object to the Interrogatories to the extent they seek to discover  
16 information and/or documents from persons or entities who are not parties to this action and  
17 which information or documents are not now and never have been in the possession, custody or  
18 control of the Plaintiffs.

19       5. Plaintiffs object to the Interrogatories to the extent that they impose an undue  
20 burden on Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value  
21 of which, if any, is substantially outweighed by the burden or cost of searching for them, or (b)  
22 that are equally available to Defendant or already in Defendant's possession.

23       6. Plaintiffs object to the Interrogatories to the extent they call for information and/or  
24 documents protected by the attorney-client privilege, the work product doctrine, or any other  
25 applicable privilege or protection. This objection includes, but is not limited to, information that  
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between  
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent  
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1 identification or production of any such information in a document shall not constitute a waiver  
2 of any such privilege with respect to the document produced or the subject matter thereof, or a  
3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any  
4 subsequent proceeding. To the extent that any such protected information is inadvertently  
5 produced in response to the Interrogatories, the production of such information shall not  
6 constitute a waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to  
7 the information, and any such document and all copies or images thereof shall be promptly  
8 returned, sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9       7. Plaintiffs object to the Interrogatories as premature "contention interrogatories" in  
10 that they: (i) call for opinions and contentions relating to fact or application of law to fact that  
11 Plaintiffs should not be required to disclose until discovery has been substantially completed; (ii)  
12 call for legal conclusions; and (iii) are likely to require supplemental answers, prematurely  
13 commit Plaintiff to positions, and artificially narrow issues. Such information cannot be fairly  
14 and practically provided until after the completion of discovery. The interests of judicial  
15 economy and efficiency dictate that contention discovery is more appropriate after a substantial  
16 amount of merits discovery has been conducted. To the extent that Defendant's Interrogatories  
17 request the contentions of Plaintiffs in this case, those contentions are set forth in large part in  
18 Indirect Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint"). The  
19 allegations of the Complaint are incorporated by reference in each of the answers to the  
20 Interrogatories set forth herein.

21       8. Plaintiffs object to the Interrogatories to the extent they purport to require  
22 Plaintiffs to disclose information or produce documents concerning any expert or other person or  
23 entity retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any  
24 such person or entity will not be designated by the Plaintiffs as a trial witness on the ground that  
25 such disclosure is neither relevant nor reasonably calculated to lead to the discovery of  
26 admissible evidence; and (b) on the grounds that any such present disclosure is prejudicial to the  
27 Plaintiffs' preparation of this case and is not required by the Federal Rules of Civil Procedure.

1           9.       Plaintiffs object to the Interrogatories to the extent they call for information and/or  
2 documents of a confidential and/or proprietary nature.

3           10.      Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

4           11.      Plaintiffs object to Defendant's definition of "Document" as overly broad to the  
5 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

6           12.      Plaintiffs object to the definition of the terms "Identity" of "Identify" in the  
7 Interrogatories as being overly broad and requesting information that is not reasonably calculated  
8 to lead to the discovery of admissible evidence. Further, the application of this definition will  
9 necessarily render any interrogatory vague, ambiguous and burdensome.

10          13.      By responding to the Requests, Plaintiffs do not concede to the truth or accuracy  
11 of any characterization, allegation, or statement made in the Requests.

12          14.      Plaintiffs reserve their rights to object on any ground to the use of the Responses  
13 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this  
14 action.

15          15.      Plaintiffs' failure to object to any interrogatory, or Plaintiffs' agreement to  
16 produce documents in response to an interrogatory is not, and shall not, be construed as an  
17 admission of the relevance or admissibility of any such information or of the propriety of any of  
18 the Interrogatories.

19          16.      Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all  
20 rights to object to these Interrogatories, the Responses, or the subject matter thereof, as to the  
21 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in  
22 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground  
23 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,  
24 this or any other action; or (c) the right to object on any ground at any time to requests to admit,  
25 interrogatories, or other discovery procedures involving or relating to the subject matter of these  
26 Requests.

INTERROGATORIES

State with specificity the factual basis (including the IDENTITY of each DOCUMENT, PERSON or other evidentiary source upon which YOU rely) for YOUR allegation that DEFENDANTS "conspired to fix, raise, maintain and/or stabilize the prices" of monitors containing CRTs, as alleged in, *inter alia*, Paragraph 1 and 15 of the COMPLAINT.

In conjunction with the aforementioned General Objections, Plaintiffs object to this interrogatory as premature in that it seeks "contention" discovery to which Defendant is not entitled at this time: The interests of judicial economy and efficiency dictate that contention discovery is more appropriate after a substantial amount of merits discovery has been conducted. *See, e.g., In re Convergent Tech. Sec. Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) ("There is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period."); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) ("Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.").

Here, for a number of reasons, the discovery process is just commencing and Plaintiffs have only recently received limited merits discovery, making this interrogatory especially

1 inappropriate at this time. First, the United States Department of Justice ("DOJ") intervened in  
2 this case and successfully moved for a stay of all merits discovery. That stay was partially lifted  
3 on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is  
4 permitted until November 1, 2010.

5 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery  
6 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on  
7 all defendants. None of the defendants have responded to these requests. In addition, Paragraph  
8 4 of the stipulated Order entered on September 12, 2008 required defendants to produce  
9 documents or information regarding their sales, costs, capacity, participation in trade  
10 associations, employees, and their storage/retention policies. Many defendants refused to  
11 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a  
12 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).  
13 These defendants have still not responded to these requests despite the fact that the Court has  
14 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs  
15 received from those defendants that did respond to these requests was woefully inadequate.

16 Plaintiffs served their Second Set of Requests for Production of Documents on defendants  
17 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not  
18 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive  
19 any documents pursuant to these requests. Much of the information in support of Plaintiffs'  
20 claims will be contained in defendants' own documents, which defendants have so far withheld  
21 from Plaintiffs. Accordingly, Plaintiffs object to this Interrogatory on the grounds that it is  
22 premature because it seeks information to be provided by defendants to Plaintiffs, which  
23 information is more readily available to Defendant, or is already known to Defendant.

24 Third, the limited merits discovery that Plaintiffs have received has also been provided to  
25 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had  
26 previously been produced to the DOJ in response to a grand jury subpoena. That production  
27 contains some of the factual basis for Plaintiffs' allegations. Thus, Plaintiffs further object that  
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1 this Interrogatory seeks to impose an undue burden on Plaintiffs by requiring Plaintiffs to search  
 2 for information that is equally available to Defendant, and is already in Defendant's possession.

3 In sum, the information requested by Defendant cannot fairly and practically be provided  
 4 until after the completion of discovery. Production of such information at this time could  
 5 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the  
 6 litigation. This Interrogatory serves no purpose other than to harass and burden Plaintiffs and to  
 7 unnecessarily delay and needlessly increase the cost of litigation to all parties.

8 Finally, Plaintiffs object to this Interrogatory on the grounds that it seeks information  
 9 and/or documents protected by the attorney-client privilege, the work product doctrine, or any  
 10 other applicable privilege or protection. Plaintiffs also object to this Interrogatory as compound.

11 Subject to and without waiving the foregoing General and specific objections, Plaintiffs  
 12 refer Defendant to the documents produced to the Department of Justice in connection with the  
 13 investigation of the Cathode Ray Tube industry, from which some of the information called for  
 14 by this interrogatory may be derived or ascertained pursuant to Federal Rule of Civil Procedure  
 15 33(d). Once Plaintiffs have received the documents and information requested by their  
 16 outstanding discovery requests, and had an opportunity to review and analyze those documents  
 17 and information, as well as the documents previously produced to the DOJ, Plaintiffs will meet  
 18 and confer with Defendant to work out a schedule for supplementing this response.

19 **INTERROGATORY NO. 2:**

20 State with specificity the factual basis (including the IDENTITY of each DOCUMENT,  
 21 PERSON, or other evidentiary source upon which you rely) for YOUR allegation that  
 22 DEFENDANTS intended to and did "pass on the full cost" CRTs in their sales of monitors  
 23 containing CRTs, as alleged in, *inter alia*, Paragraph 238 of the Complaint.

24 **RESPONSE TO INTERROGATORY NO. 2:**

25 See Plaintiffs' Response To Interrogatory No. 1 above.

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1 **INTERROGATORY NO. 3:**

2 For each separate DEFENDANT (regardless of its affiliation with any other  
3 DEFENDANT) state with specificity the factual basis (including the IDENTITY of each  
4 DOCUMENT, PERSON, or other evidentiary source upon which YOU rely) for YOUR  
5 allegation that it "conspired to fix, raise, maintain and/or stabilize prices" at which products  
6 containing CRTs were sold in the United States, as alleged in, *inter alia*, Paragraph 1 of the  
7 COMPLAINT.

8 **RESPONSE TO INTERROGATORY NO. 3:**

9 See Plaintiffs' Response To Interrogatory No. 1 above.

10 **INTERROGATORY NO. 4:**

11 For each separate DEFENDANT (regardless of its affiliation with any other  
12 DEFENDANT) state with specificity the factual basis (including the IDENTITY of each  
13 DOCUMENT, PERSON, or other evidentiary source upon which YOU rely) for YOUR  
14 allegation that it agreed to allocate market shares and customers of sales of products containing  
15 CRTs, as alleged in, *inter alia*, Paragraphs 156(i) and (j) of the COMPLAINT.

16 **RESPONSE TO INTERROGATORY NO. 4:**

17 See Plaintiffs' Response To Interrogatory No. 1 above.

18 **INTERROGATORY NO. 5:**

19 IDENTIFY each PERSON who provided information to answer these Interrogatories.

20 **RESPONSE TO INTERROGATORY NO. 5:**

21 In conjunction with the aforementioned General Objections, Plaintiffs object to this  
22 Interrogatory on the grounds that it is overbroad, unduly burdensome and seeks information that  
23 is neither relevant nor calculated to lead to the discovery of admissible evidence. Plaintiffs also  
24 object to this Interrogatory to the extent it calls for information protected by the attorney work  
25 product doctrine.

26 Subject to and without waiving the foregoing General and specific objections, Plaintiffs  
27 respond that the information contained in these Responses was provided by counsel.

1 Dated: May 7, 2010

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2 By: /s/ Mario N. Alioto

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT) ) Master File No. CV-07-5944 SC  
ANTITRUST LITIGATION )

) MDL No. 1917  
)  
)

This Document Relates To:

) INDIRECT PURCHASER PLAINTIFFS'  
) RESPONSES AND OBJECTIONS TO  
) DEFENDANT SAMSUNG SDI AMERICA,  
) INC.'S FIRST SET OF REQUESTS FOR  
) PRODUCTION OF DOCUMENTS TO THE  
) INDIRECT PURCHASER PLAINTIFFS

PROPOUNDING PARTY: SAMSUNG SDI AMERICA, INC.

RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung SDI America, Inc.'s ("Defendant") First Set of Document Requests ("Requests") to the Indirect Purchaser Plaintiffs as follows:

**GENERAL OBJECTIONS**

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered  
2 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present  
3 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or  
4 modify any and all of their objections and responses if they become aware of information and/or  
5 documents which warrant such action.

6       2. Plaintiffs object to each of Defendant's Requests, Definitions and Instructions to  
7 the extent it seeks documents or information (i) not relevant to the subject matter of this action;  
8 (ii) not relevant to any claim or defense in this action; (iii) not reasonably calculated to lead to the  
9 discovery of admissible evidence; (iv) different from, inconsistent with, or in addition to what is  
10 required to be produced under the Federal Rules of Civil Procedure, the Civil Local Rules of the  
11 United States District Court for the Northern District of California, any existing Court Order in  
12 this case, or any other applicable rule or law.

13       3. Plaintiffs object to the Requests to the extent that they are vague, ambiguous and  
14 require speculation to determine their meanings.

15       4. Plaintiffs object to the Requests to the extent they seek to discover information  
16 and/or documents from persons or entities who are not parties to this action and which  
17 information or documents are not now and never have been in the possession, custody or control  
18 of the Plaintiffs.

19       5. Plaintiffs object to the Requests to the extent that they impose an undue burden on  
20 Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value of which, if  
21 any, is substantially outweighed by the burden or cost of searching for them, or (b) that are  
22 equally available to Defendant or already in Defendant's possession.

23       6. Plaintiffs object to the Requests to the extent they call for information and/or  
24 documents protected by the attorney-client privilege, the work product doctrine, or any other  
25 applicable privilege or protection. This objection includes, but is not limited to, information that  
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between  
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent  
28

1 identification or production of any such information in a document shall not constitute a waiver  
2 of any such privilege with respect to the document produced or the subject matter thereof, or a  
3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any  
4 subsequent proceeding. To the extent that any such protected information is inadvertently  
5 produced in response to the Requests, the production of such information shall not constitute a  
6 waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to the  
7 information, and any such document and all copies or images thereof shall be promptly returned,  
8 sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9 7. Plaintiffs object to the Requests to the extent they purport to require Plaintiffs to  
10 disclose information or produce documents concerning any expert or other person or entity  
11 retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any such  
12 person or entity will not be designated by the Plaintiffs as a trial witness on the ground that such  
13 disclosure is neither relevant nor reasonably calculated to lead to the discovery of admissible  
14 evidence; and (b) on the grounds that any such present disclosure is prejudicial to the Plaintiffs'  
15 preparation of this case and is not required by the Federal Rules of Civil Procedure.

16 8. Plaintiffs object to the Requests to the extent they call for information and/or  
17 documents of a confidential and/or proprietary nature.

18 9. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

19 10. Plaintiffs object to Defendant's definition of "Document" as overly broad to the  
20 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

21 11. Plaintiffs object to each of the Requests to the extent that it is unreasonably  
22 cumulative or duplicative, including but not limited to Requests calling for the production of "all  
23 documents" when less than all documents is sufficient.

24 12. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy  
25 of any characterization, allegation or statement made in the Requests.

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1           13.     Plaintiffs reserve their rights to object on any ground to the use of the Responses  
2 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this  
3 action.

4           14.     Plaintiffs' failure to object to any Request or Plaintiffs' agreement to produce  
5 documents in response to a Request, is not, and shall not, be construed as an admission of the  
6 relevance or admissibility of any such information or of the propriety of any of the Requests.

7           15.     Any statement herein that Plaintiffs will provide information or produce  
8 documents in response to an individual request does not mean that Plaintiffs in fact have any such  
9 information or documents, or that any such information or documents exist. Rather, any such  
10 statement reflects the intention of Plaintiffs, subject to their objections, to conduct a reasonable  
11 search for responsive documents and information.

12           16.     Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all  
13 rights to object to these Requests, the Responses, or the subject matter thereof, as to the  
14 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in  
15 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground  
16 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,  
17 this or any other action; or (c) the right to object on any ground at any time to requests to admit,  
18 interrogatories, or other discovery procedures involving or relating to the subject matter of these  
19 Requests.

20           17.     In each instance in which Plaintiffs have agreed to produce responsive documents,  
21 the Response means that Plaintiffs will produce responsive, non-objectionable, reasonably  
22 accessible, non-privileged documents within Indirect Purchaser Plaintiffs' possession, custody, or  
23 control that are located after a reasonable search and that will not require unduly burdensome  
24 efforts to identify and produce.

25           18.     Each general objection is hereby expressly incorporated by reference into each of  
26 the following specific objections and responses.

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1 DOCUMENT REQUESTS

2 DOCUMENT REQUEST NO. 1:

3 All DOCUMENTS that support YOUR responses to Interrogatory No. 1.

4 RESPONSE TO DOCUMENT REQUEST NO. 1:

5 In conjunction with the aforementioned General Objections, Plaintiffs object to this  
6 request as premature insofar as it seeks "contention" discovery to which Defendant is not entitled  
7 at this time. This request seeks, in effect, a list of trial exhibits that Plaintiffs are not yet required  
8 to produce. The interests of judicial economy and efficiency dictate that contention discovery is  
9 more appropriate after a substantial amount of merits discovery has been conducted. Here, for a  
10 number of reasons, the discovery process is just commencing and Plaintiffs have only recently  
11 received limited merits discovery.

12 First, the United States Department of Justice ("DOJ") intervened in this case and  
13 successfully moved for a stay of all merits discovery. That stay was partially lifted on March 8,  
14 2010, to allow limited merits discovery to proceed. No deposition discovery is permitted until  
15 November 1, 2010.

16 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery  
17 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on  
18 all defendants. None of the defendants have responded to these requests. In addition, Paragraph  
19 4 of the stipulated Order entered on September 12, 2008 required defendants to produce  
20 documents or information regarding their sales, costs, capacity, participation in trade  
21 associations, employees, and their storage/retention policies. Many defendants refused to  
22 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a  
23 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).  
24 These defendants have still not responded to these requests despite the fact that the Court has  
25 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs  
26 received from those defendants that did respond to these requests was woefully inadequate.

1 Plaintiffs served their Second Set of Requests for Production of Documents on defendants  
2 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not  
3 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive  
4 any documents pursuant to these requests. Much of the evidence in support of Plaintiffs' claims  
5 will be contained in defendants' own documents, which defendants have so far withheld from  
6 Plaintiffs. Accordingly, Plaintiffs object that Defendant's request is premature because it seeks  
7 documents to be provided by defendants to Plaintiffs and so are more readily available to  
8 Defendant, or are already in the Defendant's possession.

9 Third, the limited merits discovery that Plaintiffs have received has also been provided to  
10 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had  
11 previously been produced to the DOJ in response to a grand jury subpoena. That production  
12 contains some documents that support Plaintiffs' allegations. Thus, Plaintiffs further object that  
13 Defendant's request imposes an undue burden on Plaintiffs by requiring Plaintiffs to search for  
14 documents that are equally available to Defendant, and are already in Defendant's possession.

15 In sum, the documents requested by Defendant cannot fairly and practically be provided  
16 until after the completion of discovery. Production of such information at this time could  
17 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the  
18 litigation. Defendant's request serves no purpose other than to harass and burden Plaintiffs and  
19 to unnecessarily delay and needlessly increase the cost of litigation to all parties.

20 Finally, Plaintiffs also object to this request to the extent it calls for information and/or  
21 documents protected by the attorney-client privilege, the work product doctrine, or any other  
22 applicable privilege or protection. Plaintiffs further object to this request as compound,  
23 overbroad and containing multiple subparts, which if broken apart, reveals numerous separate  
24 document requests.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs  
26 refer Defendant to the documents produced to the Department of Justice in connection with the  
27 investigation of the Cathode Ray Tube industry, which were served on all parties by certain  
28



1 defendants on March 8, 2010. Once Plaintiffs have received the documents and information  
2 requested by their outstanding discovery requests, and had an opportunity to review and analyze  
3 those documents, as well as the documents previously produced to the DOJ, Plaintiffs will meet  
4 and confer with Defendant to work out a schedule for supplementing this response.

5 **DOCUMENT REQUEST NO. 2:**

6 All DOCUMENTS that support YOUR response to Interrogatory No. 2.

7 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

8 See Plaintiffs' Response To Document Request No. 1 above.

9 **DOCUMENT REQUEST NO. 3:**

10 All DOCUMENTS that support YOUR response to Interrogatory No. 3.

11 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

12 See Plaintiffs' Response To Document Request No. 1 above.

13 **DOCUMENT REQUEST NO. 4:**

14 All DOCUMENTS that support YOUR response to Interrogatory No. 4.

15 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

16 See Plaintiffs' Response To Document Request No. 1 above.

17  
18 Dated: May 7, 2010

**TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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 )  
This Document Relates To: ) **INDIRECT PURCHASER PLAINTIFFS'**  
 ) **RESPONSES AND OBJECTIONS TO**  
ALL INDIRECT PURCHASER ACTIONS ) **DEFENDANT SAMSUNG ELECTRONICS**  
 ) **AMERICA, INC.'S FIRST SET OF**  
 ) **INTERROGATORIES TO THE INDIRECT**  
 ) **PURCHASER PLAINTIFFS**

PROPOUNDING PARTY: SAMSUNG ELECTRONICS AMERICA, INC.

RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung Electronics America, Inc.'s ("Defendant") First Set of Interrogatories ("Interrogatories") to the Indirect Purchaser Plaintiffs as follows:

**GENERAL OBJECTIONS**

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon information known at this time and are given without prejudice to Plaintiffs' right to supplement

1 these responses prior to trial or to produce evidence based on subsequently discovered  
2 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present  
3 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or  
4 modify any and all of their objections and responses if they become aware of information and/or  
5 documents which warrant such action.

6 2. Plaintiffs object to each of Defendant's Interrogatories, Definitions and  
7 Instructions to the extent it seeks documents or information (i) not relevant to the subject matter  
8 of this action; (ii) not relevant to any claim or defense in this action; (iii) not reasonably  
9 calculated to lead to the discovery of admissible evidence; (iv) different from, inconsistent with,  
10 or in addition to what is required to be produced under the Federal Rules of Civil Procedure, the  
11 Civil Local Rules of the United States District Court for the Northern District of California, any  
12 existing Court Order in this case, or any other applicable rule or law.

13 3. Plaintiffs object to the Interrogatories to the extent that they are vague, ambiguous  
14 and require speculation to determine their meanings.

15 4. Plaintiffs object to the Interrogatories to the extent they seek to discover  
16 information and/or documents from persons or entities who are not parties to this action and  
17 which information or documents are not now and never have been in the possession, custody or  
18 control of the Plaintiffs.

19 5. Plaintiffs object to the Interrogatories to the extent that they impose an undue  
20 burden on Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value  
21 of which, if any, is substantially outweighed by the burden or cost of searching for them, or (b)  
22 that are equally available to Defendant or already in Defendant's possession.

23 6. Plaintiffs object to the Interrogatories to the extent they call for information and/or  
24 documents protected by the attorney-client privilege, the work product doctrine, or any other  
25 applicable privilege or protection. This objection includes, but is not limited to, information that  
26 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between  
27 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent  
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1 identification or production of any such information in a document shall not constitute a waiver  
2 of any such privilege with respect to the document produced or the subject matter thereof, or a  
3 waiver of the Plaintiffs' right to object to the use of any such document during trial or any  
4 subsequent proceeding. To the extent that any such protected information is inadvertently  
5 produced in response to the Interrogatories, the production of such information shall not  
6 constitute a waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to  
7 the information, and any such document and all copies or images thereof shall be promptly  
8 returned, sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

9       7. Plaintiffs object to the Interrogatories as premature "contention interrogatories" in  
10 that they: (i) call for opinions and contentions relating to fact or application of law to fact that  
11 Plaintiffs should not be required to disclose until discovery has been substantially completed; (ii)  
12 call for legal conclusions; and (iii) are likely to require supplemental answers, prematurely  
13 commit Plaintiff to positions, and artificially narrow issues. Such information cannot be fairly  
14 and practically provided until after the completion of discovery. The interests of judicial  
15 economy and efficiency dictate that contention discovery is more appropriate after a substantial  
16 amount of merits discovery has been conducted. To the extent that Defendant's Interrogatories  
17 request the contentions of Plaintiffs in this case, those contentions are set forth in large part in  
18 Indirect Purchaser Plaintiffs' Consolidated Amended Complaint (the "Complaint"). The  
19 allegations of the Complaint are incorporated by reference in each of the answers to the  
20 Interrogatories set forth herein.

21       8. Plaintiffs object to the Interrogatories to the extent they purport to require  
22 Plaintiffs to disclose information or produce documents concerning any expert or other person or  
23 entity retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any  
24 such person or entity will not be designated by the Plaintiffs as a trial witness on the ground that  
25 such disclosure is neither relevant nor reasonably calculated to lead to the discovery of  
26 admissible evidence; and (b) on the grounds that any such present disclosure is prejudicial to the  
27 Plaintiffs' preparation of this case and is not required by the Federal Rules of Civil Procedure.

1           9.     Plaintiffs object to the Interrogatories to the extent they call for information and/or  
2 documents of a confidential and/or proprietary nature.

3           10.    Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

4           11.    Plaintiffs object to Defendant's definition of "Document" as overly broad to the  
5 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

6           12.    Plaintiffs object to the definition of the term "identify" in the Interrogatories as  
7 being overly broad and requesting information that is not reasonably calculated to lead to the  
8 discovery of admissible evidence. Further, the application of this definition will necessarily  
9 render any interrogatory vague, ambiguous, and burdensome.

10          13.    By responding to the Requests, Plaintiffs do not concede to the truth or accuracy  
11 of any characterization, allegation, or statement made in the Requests.

12          14.    Plaintiffs reserve their rights to object on any ground to the use of the Responses  
13 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this  
14 action.

15          15.    Plaintiffs' failure to object to any interrogatory, or Plaintiffs' agreement to  
16 produce documents in response to an interrogatory is not, and shall not, be construed as an  
17 admission of the relevance or admissibility of any such information or of the propriety of any of  
18 the Interrogatories.

19          16.    Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all  
20 rights to object to these Interrogatories, the Responses, or the subject matter thereof, as to the  
21 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in  
22 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground  
23 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,  
24 this or any other action; or (c) the right to object on any ground at any time to requests to admit,  
25 interrogatories, or other discovery procedures involving or relating to the subject matter of these  
26 Requests.

9 INTERROGATORIES  
10 INTERROGATORY NO. 1:

11 Identify each Person who provided information to answer these Interrogatories.

13 In conjunction with the aforementioned General Objections, Plaintiffs object to this  
14 Interrogatory on the grounds that it is overbroad, unduly burdensome and seeks information that  
15 is neither relevant nor calculated to lead to the discovery of admissible evidence. Plaintiffs also  
16 object to this Interrogatory to the extent it calls for information protected by the attorney work  
17 product doctrine.

20 INTERROGATORY NO. 2:

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1 RESPONSE TO INTERROGATORY NO. 2:

2 In conjunction with the aforementioned General Objections, Plaintiffs object to this  
 3 interrogatory as premature in that it seeks "contention" discovery to which Defendant is not  
 4 entitled at this time: The interests of judicial economy and efficiency dictate that contention  
 5 discovery is more appropriate after a substantial amount of merits discovery has been conducted.  
 6 *See, e.g., In re Convergent Tech. Sec. Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) ("There is  
 7 considerable recent authority for the view that the wisest general policy is to defer propounding  
 8 and answering contention interrogatories until near the end of the discovery period."); *In re Ebay*  
 9 *Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008)  
 10 ("Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked  
 11 before discovery is undertaken.").

12 Here, for a number of reasons, the discovery process is just commencing and Plaintiffs  
 13 have only recently received limited merits discovery, making this interrogatory especially  
 14 inappropriate at this time. First, the United States Department of Justice ("DOJ") intervened in  
 15 this case and successfully moved for a stay of all merits discovery. That stay was partially lifted  
 16 on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is  
 17 permitted until November 1, 2010.

18 Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery  
 19 requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on  
 20 all defendants. None of the defendants have responded to these requests. In addition, Paragraph  
 21 4 of the stipulated Order entered on September 12, 2008 required defendants to produce  
 22 documents or information regarding their sales, costs, capacity, participation in trade  
 23 associations, employees, and their storage/retention policies. Many defendants refused to  
 24 respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a  
 25 Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).  
 26 These defendants have still not responded to these requests despite the fact that the Court has  
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1 denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs  
2 received from those defendants that did respond to these requests was woefully inadequate.

3 Plaintiffs served their Second Set of Requests for Production of Documents on defendants  
4 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not  
5 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive  
6 any documents pursuant to these requests. Much of the information in support of Plaintiffs'  
7 claims will be contained in defendants' own documents, which defendants have so far withheld  
8 from Plaintiffs. Accordingly, Plaintiffs object to this Interrogatory on the grounds that it is  
9 premature because it seeks information to be provided by defendants to Plaintiffs, which  
10 information is more readily available to Defendant, or is already known to Defendant.

11 Third, the limited merits discovery that Plaintiffs have received has also been provided to  
12 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had  
13 previously been produced to the DOJ in response to a grand jury subpoena. That production  
14 contains some of the factual basis for Plaintiffs' allegations. Thus, Plaintiffs further object that  
15 this Interrogatory seeks to impose an undue burden on Plaintiffs by requiring Plaintiffs to search  
16 for information that is equally available to Defendant, and is already in Defendant's possession.

17 In sum, the information requested by Defendant cannot fairly and practically be provided  
18 until after the completion of discovery. Production of such information at this time could  
19 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the  
20 litigation. This Interrogatory serves no purpose other than to harass and burden Plaintiffs and to  
21 unnecessarily delay and needlessly increase the cost of litigation to all parties.

22 Finally, Plaintiffs object to this Interrogatory on the grounds that it seeks information  
23 and/or documents protected by the attorney-client privilege, the work product doctrine, or any  
24 other applicable privilege or protection. Plaintiffs also object to this Interrogatory as compound.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs  
26 refer Defendant to the documents produced to the Department of Justice in connection with the  
27 investigation of the Cathode Ray Tube industry, from which some of the information called for  
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1 by this interrogatory may be derived or ascertained pursuant to Federal Rule of Civil Procedure  
2 33(d). Once Plaintiffs have received the documents and information requested by their  
3 outstanding discovery requests, and had an opportunity to review and analyze those documents  
4 and information, as well as the documents previously produced to the DOJ, Plaintiffs will meet  
5 and confer with Defendant to work out a schedule for supplementing this response.

6 **INTERROGATORY NO. 3:**

7 With respect to products other than televisions and monitors, as defined in Paragraph  
8 15(b) of the Complaint as "products containing CRTs", please state with specificity the factual  
9 basis (including the identification of each Document, Person or other evidentiary source) for the  
10 allegation in Paragraph 1 of the Complaint that Defendants "conspired to fix, raise, maintain  
11 and/or stabilize prices" of those "CRT Products", namely products other than televisions or  
12 monitors containing CRTs.

13 **RESPONSE TO INTERROGATORY NO. 3:**

14 See Plaintiffs' Response To Interrogatory No. 2 above.

15 **INTERROGATORY NO. 4:**

16 With respect to the allegation in Paragraph 238 of the Complaint that "Defendants  
17 intended to pass on the full cost of" CRTs in their televisions containing CRTs and "in fact did  
18 so", please state with specificity the factual basis (including the identification of each Document,  
19 Person or other evidentiary source) for this allegation.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 See Plaintiffs' Response To Interrogatory No. 2 above.

22 **INTERROGATORY NO. 5:**

23 With respect to the allegation in Paragraph 238 of the Complaint that "Defendants  
24 intended to pass on the full cost of" CRTs in their finished products containing CRTs, other than  
25 televisions and computer monitors, and "in fact did so", please state with specificity the factual  
26 basis (including the identification of each Document, Person or other evidentiary source) for this  
27 allegation.

1 **RESPONSE TO INTERROGATORY NO. 5:**

2 *See Plaintiffs' Response To Interrogatory No. 2 above.*

3 **INTERROGATORY NO. 6:**

4 For each Defendant (regardless of its purported affiliation with any other Defendant),  
5 state with specificity the factual basis (including any Documents, Persons or other evidentiary  
6 sources) for Your allegations that it conspired, combined, and contracted with any of the other  
7 Defendants "to fix, raise, maintain and/or stabilize the prices of CRT Products sold in the United  
8 States," as alleged in, *inter alia*, Paragraph 1 of the Complaint.

9 **RESPONSE TO INTERROGATORY NO. 6:**

10 *See Plaintiffs' Response To Interrogatory No. 2 above.*

11  
12 Dated: May 7, 2010

**TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT) ) Master File No. CV-07-5944 SC  
ANTITRUST LITIGATION )  
 ) MDL No. 1917  
 )  
 )  
This Document Relates To: ) **INDIRECT PURCHASER PLAINTIFFS'**  
 ) **RESPONSES AND OBJECTIONS TO**  
ALL INDIRECT PURCHASER ACTIONS ) **DEFENDANT SAMSUNG ELECTRONICS**  
 ) **AMERICA, INC.'S FIRST SET OF**  
 ) **REQUESTS FOR PRODUCTION OF**  
 ) **DOCUMENTS TO THE INDIRECT**  
 ) **PURCHASER PLAINTIFFS**

PROPOUNDING PARTY: SAMSUNG ELECTRONICS AMERICA, INC.

RESPONDING PARTY: INDIRECT PURCHASER PLAINTIFFS

SET NO.: ONE

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, the Indirect Purchaser Plaintiffs ("Plaintiffs") hereby respond to defendant Samsung Electronics America, Inc.'s ("Defendant") First Set of Document Requests ("Requests") to the Indirect Purchaser Plaintiffs as follows:

**GENERAL OBJECTIONS**

1. Plaintiffs have not completed their investigation of the facts pertaining to this action and the discovery process is just commencing. The following responses are based upon

1 information known at this time and are given without prejudice to Plaintiffs' right to supplement  
2 these responses prior to trial or to produce evidence based on subsequently discovered  
3 information. Plaintiffs' responses are based upon, and are therefore limited by, Plaintiffs' present  
4 knowledge and recollection, and consequently, Plaintiffs reserve the right to supplement and/or  
5 modify any and all of their objections and responses if they become aware of information and/or  
6 documents which warrant such action.

7       2. Plaintiffs object to each of Defendant's Requests, Definitions and Instructions to  
8 the extent it seeks documents or information (i) not relevant to the subject matter of this action;  
9 (ii) not relevant to any claim or defense in this action; (iii) not reasonably calculated to lead to the  
10 discovery of admissible evidence; (iv) different from, inconsistent with, or in addition to what is  
11 required to be produced under the Federal Rules of Civil Procedure, the Civil Local Rules of the  
12 United States District Court for the Northern District of California, any existing Court Order in  
13 this case, or any other applicable rule or law.

14       3. Plaintiffs object to the Requests to the extent that they are vague, ambiguous and  
15 require speculation to determine their meanings.

16       4. Plaintiffs object to the Requests to the extent they seek to discover information  
17 and/or documents from persons or entities who are not parties to this action and which  
18 information or documents are not now and never have been in the possession, custody or control  
19 of the Plaintiffs.

20       5. Plaintiffs object to the Requests to the extent that they impose an undue burden on  
21 Plaintiffs by, for example, requiring Plaintiffs to search for documents: (a) the value of which, if  
22 any, is substantially outweighed by the burden or cost of searching for them, or (b) that are  
23 equally available to Defendant or already in Defendant's possession.

24       6. Plaintiffs object to the Requests to the extent they call for information and/or  
25 documents protected by the attorney-client privilege, the work product doctrine, or any other  
26 applicable privilege or protection. This objection includes, but is not limited to, information that  
27 Defendant seeks regarding communications between Plaintiffs' attorneys and/or between  
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1 Plaintiffs and their attorneys made during or in anticipation of litigation. Inadvertent  
2 identification or production of any such information in a document shall not constitute a waiver  
3 of any such privilege with respect to the document produced or the subject matter thereof, or a  
4 waiver of the Plaintiffs' right to object to the use of any such document during trial or any  
5 subsequent proceeding. To the extent that any such protected information is inadvertently  
6 produced in response to the Requests, the production of such information shall not constitute a  
7 waiver of Plaintiffs' right to assert the applicability of any privilege or immunity to the  
8 information, and any such document and all copies or images thereof shall be promptly returned,  
9 sequestered or destroyed upon demand pursuant to Rule 26(b)(5)(B).

10 7. Plaintiffs object to the Requests to the extent they purport to require Plaintiffs to  
11 disclose information or produce documents concerning any expert or other person or entity  
12 retained by counsel to assist in the preparation of the Plaintiffs' case: (a) to the extent any such  
13 person or entity will not be designated by the Plaintiffs as a trial witness on the ground that such  
14 disclosure is neither relevant nor reasonably calculated to lead to the discovery of admissible  
15 evidence; and (b) on the grounds that any such present disclosure is prejudicial to the Plaintiffs'  
16 preparation of this case and is not required by the Federal Rules of Civil Procedure.

17 8. Plaintiffs object to the Requests to the extent they call for information and/or  
18 documents of a confidential and/or proprietary nature.

19 9. Plaintiffs object to Defendant's definitions of "You," and "Your" as overly broad.

20 10. Plaintiffs object to Defendant's definition of "Document" as overly broad to the  
21 extent it purports to define the term more broadly than Federal Rule of Civil Procedure 34.

22 11. Plaintiffs object to each of the Requests to the extent that it is unreasonably  
23 cumulative or duplicative, including but not limited to Requests calling for the production of "all  
24 documents" when less than all documents is sufficient.

25 12. By responding to the Requests, Plaintiffs do not concede to the truth or accuracy  
26 of any characterization, allegation, or statement made in the Requests.

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1           13.     Plaintiffs reserve their rights to object on any ground to the use of the Responses  
2 to or the subject matter of the Requests in any subsequent proceeding, and at the trial of this  
3 action.

4           14.     Plaintiffs' failure to object to any Request or Plaintiffs' agreement to produce  
5 documents in response to a Request, is not, and shall not, be construed as an admission of the  
6 relevance or admissibility of any such information or of the propriety of any of the Requests.

7           15.     Any statement herein that Plaintiffs will provide information or produce  
8 documents in response to an individual request does not mean that Plaintiffs in fact have any such  
9 information or documents, or that any such information or documents exist. Rather, any such  
10 statement reflects the intention of Plaintiffs, subject to their objections, to conduct a reasonable  
11 search for responsive documents and information.

12           16.     Plaintiffs' Responses set forth herein are made without in any way waiving: (a) all  
13 rights to object to these Requests, the Responses, or the subject matter thereof, as to the  
14 competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose, in  
15 any proceeding in, or at the trial of, this or any other action; (b) the right to object on any ground  
16 to the use of these Responses, or the subject matter thereof, in any proceeding in, or at the trial of,  
17 this or any other action; or (c) the right to object on any ground at any time to requests to admit,  
18 interrogatories, or other discovery procedures involving or relating to the subject matter of these  
19 Requests.

20           17.     In each instance in which Plaintiffs have agreed to produce responsive documents,  
21 the Response means that Plaintiffs will produce responsive, non-objectionable, reasonably  
22 accessible, non-privileged documents within Indirect Purchaser Plaintiffs' possession, custody, or  
23 control that are located after a reasonable search and that will not require unduly burdensome  
24 efforts to identify and produce.

25           18.     Each general objection is hereby expressly incorporated by reference into each of  
26 the following specific objections and responses.

27 //

DOCUMENT REQUESTS

DOCUMENT REQUEST NO. 1:

Each Document that supports Your response to Interrogatory No. 2.

RESPONSE TO DOCUMENT REQUEST NO. 1:

In conjunction with the aforementioned General Objections, Plaintiffs object to this request as premature insofar as it seeks "contention" discovery to which Defendant is not entitled at this time. This request seeks, in effect, a list of trial exhibits that Plaintiffs are not yet required to produce. The interests of judicial economy and efficiency dictate that contention discovery is more appropriate after a substantial amount of merits discovery has been conducted. Here, for a number of reasons, the discovery process is just commencing and Plaintiffs have only recently received limited merits discovery.

First, the United States Department of Justice ("DOJ") intervened in this case and successfully moved for a stay of all merits discovery. That stay was partially lifted on March 8, 2010, to allow limited merits discovery to proceed. No deposition discovery is permitted until November 1, 2010.

Second, defendants have not yet responded to several of Plaintiffs' outstanding discovery requests. On June 10, 2008, Plaintiffs served their First Request for Production of Documents on all defendants. None of the defendants have responded to these requests. In addition, Paragraph 4 of the stipulated Order entered on September 12, 2008 required defendants to produce documents or information regarding their sales, costs, capacity, participation in trade associations, employees, and their storage/retention policies. Many defendants refused to respond to these discovery requests on the basis that Plaintiffs' Complaint had not yet survived a Rule 12(b)(6) motion to dismiss under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007). These defendants have still not responded to these requests despite the fact that the Court has denied defendants' motions to dismiss under *Twombly*. Moreover, the information Plaintiffs received from those defendants that did respond to these requests was woefully inadequate.



1 Plaintiffs served their Second Set of Requests for Production of Documents on defendants  
2 on March 25, 2010. Pursuant to an agreement between the parties, defendants' responses are not  
3 due until May 28, 2010. And it will be another several months after that before Plaintiffs receive  
4 any documents pursuant to these requests. Much of the evidence in support of Plaintiffs' claims  
5 will be contained in defendants' own documents, which defendants have so far withheld from  
6 Plaintiffs. Accordingly, Plaintiffs object that Defendant's request is premature because it seeks  
7 documents to be provided by defendants to Plaintiffs and so are more readily available to  
8 Defendant, or are already in the Defendant's possession.

9 Third, the limited merits discovery that Plaintiffs have received has also been provided to  
10 Defendant. On March 8, 2010, certain defendants produced documents to all parties that had  
11 previously been produced to the DOJ in response to a grand jury subpoena. That production  
12 contains some documents that support Plaintiffs' allegations. Thus, Plaintiffs further object that  
13 Defendant's request imposes an undue burden on Plaintiffs by requiring Plaintiffs to search for  
14 documents that are equally available to Defendant, and are already in Defendant's possession.

15 . In sum, the documents requested by Defendant cannot fairly and practically be provided  
16 until after the completion of discovery. Production of such information at this time could  
17 irreparably prejudice Plaintiffs' further investigation, development and prosecution of the  
18 litigation. Defendant's request serves no purpose other than to harass and burden Plaintiffs and  
19 to unnecessarily delay and needlessly increase the cost of litigation to all parties.

20 Finally, Plaintiffs also object to this request to the extent it calls for information and/or  
21 documents protected by the attorney-client privilege, the work product doctrine, or any other  
22 applicable privilege or protection. Plaintiffs further object to this request as compound,  
23 overbroad and containing multiple subparts, which if broken apart, reveals numerous separate  
24 document requests.

25 Subject to and without waiving the foregoing General and specific objections, Plaintiffs  
26 refer Defendant to the documents produced to the Department of Justice in connection with the  
27 investigation of the Cathode Ray Tube industry, which were served on all parties by certain  
28



1 defendants on March 8, 2010. Once Plaintiffs have received the documents and information  
2 requested by their outstanding discovery requests, and had an opportunity to review and analyze  
3 those documents, as well as the documents previously produced to the DOJ, Plaintiffs will meet  
4 and confer with Defendant to work out a schedule for supplementing this response.

5 **DOCUMENT REQUEST NO. 2:**

6 Each Document that supports Your response to Interrogatory No. 3.

7 **RESPONSE TO DOCUMENT REQUEST NO. 2:**

8 See Plaintiffs' Response To Document Request No. 1 above.

9 **DOCUMENT REQUEST NO. 3:**

10 Each Document that supports Your response to Interrogatory No. 4.

11 **RESPONSE TO DOCUMENT REQUEST NO. 3:**

12 See Plaintiffs' Response To Document Request No. 1 above.

13 **DOCUMENT REQUEST NO. 4:**

14 Each Document that supports Your response to Interrogatory No. 5.

15 **RESPONSE TO DOCUMENT REQUEST NO. 4:**

16 See Plaintiffs' Response To Document Request No. 1 above.

17 **DOCUMENT REQUEST NO. 5:**

18 Each Document that supports Your responses to Interrogatory No. 6.

19 **RESPONSE TO DOCUMENT REQUEST NO. 5:**

20 See Plaintiffs' Response To Document Request No. 1 above.

21 **DOCUMENT REQUEST NO. 6:**

22 Any other Document that supports Your allegations that each of the SE Defendants  
23 conspired to fix, raise, maintain and/or stabilize the price at which finished products containing  
24 CRTs were sold in the United States.

25 **RESPONSE TO REQUEST NO. 6:**

26 See Plaintiffs' Response To Document Request No. 1 above.

27 **DOCUMENT REQUEST NO. 7:**

Each Document that supports Your allegations that each of the SE Defendants intended to pass on the full cost of CRTs in their finished products containing CRTs and in fact did so.

**RESPONSE TO DOCUMENT REQUEST NO. 7:**

*See Plaintiffs' Response To Document Request No. 1 above.*

**DOCUMENT REQUEST NO. 8:**

Each document that supports Your allegation that any other Defendant intended to pass on the full cost of CRTs in their finished products containing CRTs and in fact did so.

**RESPONSE TO REQUEST NO. 8:**

*See Plaintiffs' Response To Document Request No. 1 above.*

Dated: May 7, 2010

**TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP**

By: /s/ Mario N. Alioto

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